

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 185/2004
(Deena Ram & Ors. Vs.State of Rajasthan & Anr.)

Date of Order : 10/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Ranjeet Joshi for the petitioners.
Mr. Ashok Upadhyay, public prosecutor.
Mr. I.R.Choudhary for the non-petitioner No.2.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 21.10.2003 passed by learned Sessions Judge, Merta (for short 'the revisional court' hereinafter) in Criminal Revision No.09/2002, whereby the revision petition filed by the petitioners against the order dated 10.09.2001 passed by Judicial Magistrate, Ist Class, Merta (for short 'the trial court' hereinafter) was dismissed.

By order dated 10.09.2001, the trial court took the cognizance of the offences under Sections 143, 447 and 427 IPC against the petitioners and issued the process.

I have heard learned counsel for the parties. Carefully gone through the order of the trial court as well as of the revisional court.

It is submitted by learned counsel for the parties that the parties have compromised the matter in the spirit of Lok Adalat and have filed a compromise before the Judicial Magistrate, Merta on 26.7.2004.

The offences punishable under Sections 447 and 427 IPC are compoundable. On careful perusal of the order of the trial court and the material on record, in my view, prima-facie there is no reliable evidence to construe the offence under Section 143 IPC. However, prima-facie, the offences under Sections 447 and 427 IPC are made out, for which the parties have compromised the matter. In this view of the matter, the petition deserves to be partly allowed and the order passed by the trial court and affirmed by the revision court taking cognizance against the petitioners for the offence under Section 143 IPC deserves to be set aside.

In the result, the criminal misc. petition is partly allowed. The order dated 10.9.2001 passed by the trial court

taking cognizance against the petitioners for the offence under Section 143 IPC and affirmed by the revisional court, is set aside while maintaining the order taking cognizance for the offences under Sections 447 and 427 IPC. The interim stay order dated 07.4.2004 is vacated and stay petition stands disposed of.

(H.R.PANWAR),J.

rp